IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7505 OF 2005

Ashok Dattaram Pande Applicant

versus

State of Maharashtra Respondent

S.H.Jadhav for applicant.

K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th December 2005

PC :

1. The prosecution version in this case is also identical that of Criminal Application No.7453 of 2005. Here the applicant is also charged with the same allegations. Additionally, he has been charged with extorting monies from the complainants. It is the applicant in this application who, at the relevant time, was the Sarpanch of the village and was about to contest the ensuing election. He has played identical role as that of the applicant in Criminal Application No.7453 of 2005. The applicant is, as pointed out, involved in two cases which are

registered at the same Police Station, one under the Atrocities Act and another is registered at Shrivardhan Police Station. In the first case under the Atrocities Act, he has been acquitted. In the second case which is under investigation, the applicant has been enlarged on bail. The applicant is Sarpanch of the village and therefore, Shri Saste rightly points out that considering the guidelines laid down by the Supreme Court with regard to the character, status and standing of the accused, there is a reasonable apprehension that in a sensitive case like this, the applicant who is Sarpanch, would influence the outcome of the case. He would also create an atmosphere where it would not be possible for the prosecutrix to depose freely.

2. Upon such apprehension being expressed, the learned counsel for the applicant states that although the applicant is Sarpanch, he would leave the said village and reside in Mahad or Talasari village, and would not enter the village limits as undertaken by other accused in Criminal Application No.7453 of 2005. He would abide by such condition for a period of six months.

3. In the circumstances, even the applicant’s

case can be considered for being enlarged on bail.

4. Accordingly, following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.(I) 32/2005 registered with MIDC Mahad Police Station, subject to furnishing a personal bond of Rs.10,000/- (Rs.Ten thousand only) with one local solvent surety in the like sum;

(ii) The applicant shall not enter the village limits of village Talia till the trial is concluded;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)